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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,666	07/09/2003	Juliana H. J. Brooks	BKL 113 (c)	9834
²⁶⁸¹⁸ MARK G. MO	7590 08/23/2007 DRTENSON		EXAMINER	
POST OFFICE BOX 310			· WONG, EDNA	
NORTH EAST, MD 21901-0310			ART UNIT	PAPER NUMBER
			1753	
		•	MAIL DATE	DELIVERY MODE
		•	08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application No.	Applicant(s)			
		10/615,666	BROOKS ET AL.			
		Examiner	Art Unit			
		Edna Wong	1753			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	Responsive to communication(s) filed on 08 August 2007.					
2a) <u></u> —	This action is FINAL . 2b)⊠ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 48	53 O.G. 213.			
Disposit	ion of Claims					
5) 6) 7)	Claim(s) 1-6,22,23 and 25-27 is/are pending in 4a) Of the above claim(s) is/are withdray Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-6,22,23 and 25-27 are subject to res	vn from consideration.	ent.			
Applicat	ion Papers					
9)[The specification is objected to by the Examine	r.				
10)	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some color None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
2) Notic	et(s) De of References Cited (PTO-892) De of Draftsperson's Patent Drawing Review (PTO-948) The mation Disclosure Statement(s) (PTO/SB/08)	4) ☐ Interview Summary Paper No(s)/Mail Da 5) ☐ Notice of Informal F	ate			
	er No(s)/Mail Date	6) Other:	• •			

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Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 8, 2007 has been entered.

Response to Amendment

This is in response to the Amendment dated August 8, 2007. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

(A) The Frequency:

- (i) direct resonance conditioning frequencies;
- (ii) harmonic resonance conditioning frequencies;
- (iii) non-harmonic heterodyne conditioning resonance frequencies:
- (iv) electronic conditioning frequencies;

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- (v) vibrational conditioning frequencies;
- (vi) rotational conditioning frequencies;
- (vii) rotational-vibrational conditioning frequencies;
- (viii) fine splitting conditioning frequencies;
- (ix) hyperfine splitting conditioning frequencies;
- (x) electric field splitting conditioning frequencies;
- (xi) magnetic field splitting conditioning frequencies;
- (xii) cyclotron resonance conditioning frequencies;
- (xiii) orbital conditioning frequencies;
- (xiv) nuclear conditioning frequencies;
- (xv) conditioning targeting;
- (xvi) direct resonance conditioning targeting; and
- (xvii) harmonic conditioning targeting; and

(B) The Member:

- (i) an alkaline fuel cell;
- (ii) a direct methanol fuel cell;
- (iii) a membrane/electrode assembly;
- (iv) a molten carbonate fuel cell;
- (v) a phosphoric acid fuel cell;
- (vi) a polymer electrolyte membrane fuel cell;

(vii) a protonic-ceramic fuel cell;

(viii) a regenerative fuel cell; and

(ix) a solid oxide fuel cell.

The species are independent or distinct because they have different designs, modes of operation, and effects.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must

include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Edna Wong whose telephone number is (571) 272-

1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edna Wong

Primary Examiner

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EW

August 20, 2007